

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Andres Gonzalez-Hernandez,  
  
Petitioner,  
  
v.  
  
United States of America,  
  
Respondent.

No. CV-21-01687-PHX-SMB  
  
**ORDER**

On September 27, 2021,<sup>1</sup> Defendant/Movant Andres Gonzalez-Hernandez filed a pro per Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 1). United States Magistrate Judge Deborah Fine has issued a report and recommendation (“R&R”) recommending that the motion be dismissed as untimely. (Doc. 5). The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R. (R&R at 7) (citing Rule 72, Federal Rules of Civil Procedure) No objection has been filed, which relieves the Court of its obligation to review the R&R. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); Thomas v. Arn, 474 U.S. 140, 149 (1985); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). Nevertheless, the Court has reviewed the pleadings and agrees with the analysis of Magistrate Judge Fine. The Court will accept and adopt the R&R.


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1           **IT IS ORDERED** Plaintiff's Motion (Doc. 1) is **DISMISSED** and the Clerk of  
2 Court is directed to terminate this case.

3           Dated this 2nd day of March, 2022.

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Honorable Susan M. Brnovich  
United States District Judge